CAJA DE CREDITO DE LOS INGENIEROS, SCC

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Attorney-in-fact to the Spanish Holders of Lehman Programs Securities

(as identified herein)

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK



)	
In re)	Chapter 11
t El Mana)	
LEHMAN BROTHERS HOLDINGS, INC.,)	Case No. 08-13555 (JMP)
et al.,)	
)	(Jointly Administered)
Debtors.)	
)	

OPPOSITION TO DEBTORS' FORTY-THIRD OMNIBUS OBJECTION TO CLAIMS (LATE-FILED CLAIMS)

Certain holders of Lehman Programs Securities, namely Lehman Programs Securities with ISIN XSO215349357 issued by LB Capital Funding LP (the "LB Capital Funding Securities") and Lehman Programs Securities with ISIN XSO310125546 issued by LB Tresury Co. BV (the "LB Treasury Securities") the holders on whose behalf this opposition is filed are collectively referred to herein as the "Spanish Holders of Lehman Programs Securities" and the Lehman Programs Securities to which each such holder's claim relates are listed in Exhibit A, by their undersigned attorney-in-fact, a representative of Caja de Credito de los Ingenieros, hereby file their Opposition to Debtors' Forty-Third Ominbus Ojection to Claims (Late-Filed Lehman Programs Securities Claims) (the "Objection"), as set forth below.

I. <u>PRELIMINARY STATEMENT</u>

On September 13, 2010, Lehman Brothers Holdings Inc. and certain of its affiliates (collectively, the "Debtors") filed their Objection. In the Objection, the Debtors incorrectly seek to disallow and expunge the claims filed by the Spanish Holders of Lehman Programs Securities against Lehman Brothers Holdings Inc. on the grounds that the claims fail to comply with the Bankruptcy Court's July 2, 2009 order setting

forth the procedures and deadlines for filing proofs of claim in the Chapter 11 case (the "Bar Date Order") on the basis that they were filed after the November 2, 2009 bar date established for Lehman Programs Securities in the Bar Date Order. The Spanish Holders of Lehman Programs Securities hereby assert that their claims were timely filed and should be allowed.

II. BACKGROUND

The Spanish Holders of Lehman Programs Securities filed their claims through their attorney-in-fact, a representative of Caja de Credito de los Ingenieros, and correspondingly their proofs of claim forms were sent to the United States from Barcelona, Spain, in two packages.

The first package contained the claims related to the LB Capital Funding Securities. These claims were addressed to Lehman Brothers Holdings Claims Processing Center, c/o EPIQ Bankruptcy Solutions, FDR Station P.O. Box 5076, New York. The package was sent by courier and the courier company attempted to make delivery to the above-stated address but was not able to because it is a post office box. The courier instead delivered the package to Lehman Brothers Holding, 101 Hudson St., Jersey City, NJ 07302. The package was delivered and signed for on October 23, 2009 at 12:16 PM, as shown in Exhibit B.

The second package contained the claims related to the LB Treasury Securities. These claims were posted after the first package had been delivered to the abovementioned address in New Jersey. As the first package had been redirected to that address and signed for, the second package was couriered directly to that address. This package was delivered and signed for on October 26, 2009 at 11:03 AM, as shown in Exhibit C.

III. OPPOSITION TO THE OBJECTION

In their Objection, Debtors assert that the claims of the Spanish Holders of Lehman Programs Securities were not timely filed. However, both packages reached a Lehman Brothers address prior to the bar date of November 2, 2009. Upon discovery that the packages had been delivered to the incorrect address, Caja de Credito de los Ingenieros and its legal advisors placed a call to EPIQ. The situation was

explained, and EPIQ confirmed that the claims would be sent from the New Jersey address to the appropriate address for EPIQ and that they would be accepted by EPIQ as if received by EPIQ on their respective dates of delivery to Lehman Brothers.

Therefore, although the claims were registered into EPIQ's system after the bar date, they should be considered timely filed because they were delivered and signed for at a Lehman Brothers address prior to the bar date and in reliance on EPIQ's assurance that the Spanish Holders of Lehman Programs Securities need take no further action, as the proofs of claim would be forwarded on to EPIQ with the understanding that they would be considered timely filed. Pursuant to the principle underlying Rule 5005(c) of the Federal Rules of Bankruptcy Procedure, we assert that it would not be in the interests of justice for the Objection to be upheld and it may be ordered that these claims be deemed filed with the clerk as of the date of their original delivery.

IV. REQUESTED RELIEF

Based on the foregoing, the Spanish Holders of Lehman Programs Securities respectfully request that the Court overrule the Debtors' Forty-Third Omnibus Objection to Claims (Late-Filed Claims) with respect to their claims and deem their claims to have been filed as of the date of their original delivery.

Dated: 10/11/2010

CAJA DE CREDITO DE LOS INGENIEROS, SCC

By:

Name: AGUSTIN LOPEZ MILLAN Title: Deputy General Director

Attorney-in-fact for the Spanish Holders of Lehman Programs Securities

EXHIBIT A

Spanish Holders of Lehman Programs Securities

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EXHIBIT B



28 de octubre de 2009 Remitente ASDASD Página 1 de 1

ATTN: JAVIER MAYO PHONE: 93333333

DELIVERYNOTIFICATION

INQUIRY FROM:

JAVIER MAYO

CAJA DE INGENIEROS

POTOSI 30

BARCELONA 08013

SHIPMENT TO:

LEHMAN BROTHERS HOLDING

101 HUDSON ST

JERSEY CITY NJ 07302

Shipper Number...... ASDASD

Tracking Identification Number... H7278432497

According to our records 1 parcel was delivered on 23/10/09 at 12:16 P.M.. The shipment was signed for by BEY as follows:

SHIPPER NUMBER	PKG ID NO.	Tracking Number	Address (Noistreet,City)	SIGNATURE	
ASDASD	497	H7278432497	HUDSON ST 101 JERSEY CITY	-6-50	

402962/1 - 030035 / Spanish

3901 ||||||||

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EXHIBIT C



28 de octubre de 2009 Remitente ASDASD Página 1 de 1

ATTN: JAVIER MAYO - H7284830394

PHONE: 93333333

DELIVERYNOTIFICATION

INQUIRY FROM:

JAVIER MAYO

CAJA DE INGENIEROS

POTOSI 30

BARCELONA 08013

SHIPMENT TO:

LEHMAN BROTHERS HOLDING

101 HUDSON ST FL 11 JERSEY CITY NJ 07302

Shipper Number...... ASDASD

Tracking Identification Number... H7284830394

According to our records 1 parcel was delivered on 26/10/09 at 11:03 A.M., and left at MAIL ROOM. The shipment was signed for by MASI as follows:

SHIPPER NUMBER	PKG ID NO.	TRACKING NUMBER	ADDRESS (NO/STREET,CITY)	SIGNATURE	
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